



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Alan P. Dye, Esq.
Heidi K. Abegg, Esq.
Webster, Chamberlain & Bean
1747 Pennsylvania Avenue, N.W.
Washington, DC 20006

MAR 4 2009

RE: MUR 5572
David W. Rogers, et al.

Dear Mr. Dye and Ms. Abegg:

On December 27, 2007, you were notified that the Office of the General Counsel was prepared to recommend that the Commission find probable cause to believe ("PCTB") that your clients, David W. Rogers; Friends of Dave Rogers and Christian Winthrop, in his official capacity as Treasurer; and Rogers for Congress n/k/a Special Operations Fund and Christian Winthrop, in his official capacity as Treasurer, violated 2 U.S.C. § 439a, a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 113.1 in connection with the sale of the Committees' mailing lists. Enclosed with that letter were the General Counsel's briefs.

On February 10, 2009, the Commission considered the circumstances in this matter, but was equally divided on whether to find PCTB that Respondents violated 2 U.S.C. § 439a and 11 C.F.R. § 113.1. The Commission was also equally divided on whether to dismiss the matter on the basis of prosecutorial discretion. Ultimately, the Commission voted to close the file.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). In addition, a Statement of Reasons further explaining the basis for the Commission's decision will follow. If you have any questions, please contact Phillip A. Olaya, the attorney assigned to this matter, at (202) 694-1571.

Sincerely,

Mark D. Shonkwiler
Assistant General Counsel

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